

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON

ENTERED

OCT 17 2002

SAMUEL L. KAY, CLERK  
U. S. District & Bankruptcy Courts  
Southern District of West Virginia

IN RE:       SERZONE  
              PRODUCTS LIABILITY LITIGATION

MDL NO. 1477

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THIS DOCUMENT RELATES TO ALL CASES

PRETRIAL ORDER #3

I.   Entry of Pretrial Order No. 3

A copy of this order shall be entered in each Serzone-related case transferred to, removed to, or filed in this district and shall apply to all such cases. In cases subsequently filed in this district, a copy will be provided by the Clerk to each plaintiff at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy will be provided by the Clerk to each new party upon removal or transfer.

II.   Status Conference of October 16, 2002

At the status conference scheduled for October 16, 2002, the following counsel appeared: Michael A. Tanenbaum, Martin Healy, Michael B. Victorson, and Rob J. Aliff for Defendant; Marvin W. Masters and Carl N. Frankovitch for Plaintiffs. The court inquired of counsel whether there were matters other than discovery which needed attention, and counsel indicated that there were not. Whereupon the status conference was adjourned from the courtroom

and the record, and reconvened in Magistrate Judge Stanley's chambers.

**III. Discovery Order # 1 and Pretrial Order # 2**

It appearing to the court that there are inconsistencies between some provisions of Pretrial Order # 2 relating to discovery and some provisions of Discovery Order # 1 entered today, it is hereby **ORDERED** that in instances of conflict, Discovery Order # 1's provisions will govern.

**IV. Copies of Documents**

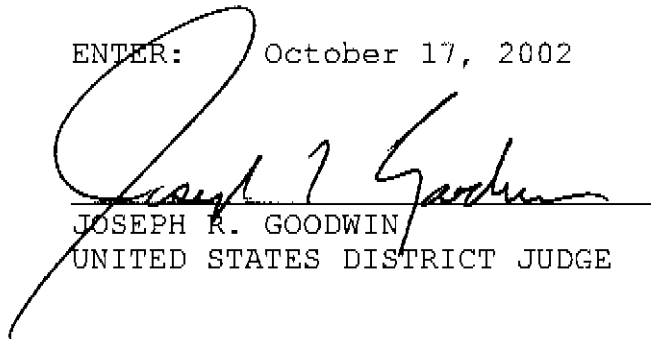
Liaison Counsel shall provide a copy of each pleading, motion, or other filed document to Judge Goodwin's chambers and Magistrate Judge Stanley's chambers.

**V. Status Conference of November 20, 2002**

The next status conference will take place on Wednesday, November 20, 2002 at 10:00 a.m., unless canceled by the court. A telephone conference call of the Discovery Committee and Magistrate Judge Stanley will take place on **Friday, November 15, 2002 at 2:00 p.m.**, with Plaintiffs being responsible as host for the call.

The court directs the Clerk to send a copy of this order to Plaintiffs' Liaison Counsel and Defendant's Liaison Counsel.

ENTER: October 17, 2002

  
JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE